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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/518,864

03/30/2005

George Svonja

66435-0015

9977

34756 7590 04/03/2007  
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EXAMINER

GRAVINI, STEPHEN MICHAEL

ART UNIT

PAPER NUMBER

3749

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/03/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/518,864

Applicant(s) 

SVONJA, GEORGE

Examiner

Stephen Gravini

Art Unit

3749

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 February 2007.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-20 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Claim Rejections - 35 USC § 102***

Claims 1 and 6-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Merten (US 4,466,202). The claims are reasonably and broadly construed, in light of the accompanying specification, to be disclosed by Merten as comprising:

heating a first, nitrogen-depleted stream of gas using a heater, the first stream of gas being atmospheric air from which at least a proportion of the nitrogen present therein has been removed, to thereby increase the percentage by volume of oxygen in the first stream of gas at column 5 line 62 through column 6 line 12;

passing said stream of heated gas through a dryer, to extract moisture from said material contained within the dryer at column 5 lines 33-61;

returning a first portion of the used gas, which constitutes a second stream of gas, from an outlet of the dryer to the heater at column 6 lines 13-31;

re-heating the second stream of gas in the heater at column 6 lines 38-51; and

passing the heated second stream of gas back into the dryer at column 6 line 52 through column 7 line 5. Merten also discloses the claimed step of expelling a second portion of the used gas at or above atmospheric pressure through a heat recovery system before gas treatment and/or exhaust to the atmosphere and the step of expelling the remaining portion of the used gas into the atmosphere as an exhaust stream at column 1 lines 6-15.

Claims 13-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith et al. (US 6,158,147). The claims are reasonably and broadly construed, in light of the accompanying specification, to be disclosed by Smith as comprising:

a supply of nitrogen-depleted drying gas, which is atmospheric air from which at least a proportion of the nitrogen present therein has been removed, to thereby increase the percentage by volume of oxygen in the drying gas, said nitrogen-depleted drying gas constituting a first stream of gas at column 4 lines 6-19;

a heater for heating the first stream of gas at column 4 lines 37-50;

a dryer operatively connected to the heater through which the heated first stream of gas is passed for the purposes of removing moisture from said material at column 4 line 51 through column 5 line 6; and

a conduit for circulating a first portion of the used stream of gas, which constitutes a second stream of gas, back into the heater to be re-heated at column 6 lines 35-50. Smith also disclosed the claimed the first stream of gas used to remove moisture from the material is atmospheric air having had at least 50% of the nitrogen normally present therein removed therefrom and the first stream of gas used to remove moisture from the material is atmospheric air having had a proportion of the nitrogen normally present therein removed therefrom such that the first stream of gas contains between 90% and 99% oxygen at column 6 lines 51-56, and an exhaust component for expelling the remaining portion of the used gas into the atmosphere as an exhaust stream and a fluid pump for ensuring movement of the gas stream and the used gas about the drying apparatus at column 6 line 57 through column 7 line 4.

***Claim Rejections - 35 USC § 103***

Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Merten. Merten discloses the claimed invention, as rejected above, except for the recited percentage. It would have been an obvious matter of design choice to recite a specific percentage of oxygen or nitrogen since the claimed invention would be performed by Prasad regardless of the claimed percentage.

Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Merten in view of McClenny (US 4,982,512). Merten discloses the claimed invention, as rejected above, except for a molecular sieve, membrane filtration, and/or cryogenically. It would have been obvious to one skilled in the art to provide the teachings of Merten with a molecular sieve, membrane filtration, and/or cryogenically, considered disclosed in McClenny, for the purpose removing nitrogen for the purpose of raising an oxygen concentration.

Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Jaynes et al. (US 2002/0125591). Smith discloses the claimed invention, as rejected above, except for the claimed third and fourth stream. It would have been an obvious matter of design choice to recite a third or fourth stream since the claimed invention would be performed by Smith regardless of the number of streams. Smith discloses the claimed invention, as rejected above, except for a gas cleaner for cleaning. Jaynes, another method of removing moisture, discloses a gas cleaner for cleaning at paragraph [0019]. It would have been obvious to one skilled

in the art to provide the teachings of Smith with a gas cleaner for cleaning, disclosed in Jaynes, for the purpose removing purifying gas in a gas treatment system.

***Response to Arguments***

Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new grounds of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gravini whose telephone number is 571 272 4875. The examiner can normally be reached on normal weekday business hours (east coast time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Rinehart can be reached on 571 272 4881. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SMG  
March 27, 2007

A handwritten signature in cursive script, appearing to read "Stephen Grant".